NEW-YORK, TUESDAY, DECEMBER 23, 1873.

### Vol. XXXIII .... No. 10,210.

### THE AGREEMENT WITH SPAIN.

THE RELEASE OF THE PRISONERS. MIEIR SUFFERINGS AND DESTITUTION-INSECURITY OF THE LIVES AND PROPERTY OF AMERICANS AT

Particulars are given below of the surrender of the prisoners at Santiago de Cuba. From this acsount it appears that the Spanish authorities, to torment the captives up to the last moment, induced to believe that they were on their way to the slaughter pen when they were about to be surrendered. They were found to be in a condition of great destitution, and blankets and peasackets had to be furnished them by our naval authorities. The lives and property of Americans at Santiago are in a very precarious state. The brutal murder of twenty-five residents of that place adds to the general apprehension,

## THE PRISONERS.

DETAILS OF THEIR RELEASE-THE PRISONERS LED TO BELIEVE THAT THEY WERE ON THEIR WAY TO EXECUTION-THEIR JOY ON BOARDING THE

[BY TELEGRAPH TO THE TRIBUNE.]

WASHINGTON, Dec. 22.—The following has been

received from a special correspondent: KEY WEST, Fla., Dec. 22.-The United States ship Pinta, Commander Garringe, arrived to-night from Santiago de Cuba with official reports for Admiral scott in regard to the surrender of the Virginius prisoners, which took place in the harbor of Santiago on the 18th of this month. A special correspondent of THE TEIBUNE accompanied the Pinta, and brings the following account of the trip and incidents of the surrender. The Pinta left Key West eight days ago with Lieut. Aulick Palmer, a special messenger of the Navy Department, who carried instructions in regard to the surrender to Lieut .- Commander Braine of the Juniata. The Pinta arrived at Havana on the following merning and landed Lieut. Palmer, who went thence overland by rail to Batabano, and thence by steamer to Santiago de Cuba, while the Pinta went to some place with duplicates of bis dispatches. The Pinta arrived on the morning of Thursday, the 18th, ahead of Lieut, Palmer, but found that the prisoners, 155 in number, had been sarrendered a few hours before.

It appears that the Spanish authorities to the last moment kept the poor wretches in ignorance of their prospective release, and with base inhumanity led hem to suppose that they were to be executed. Priests were with them taking their confessions and dying declarations, and imploring them to look to God for pardon. They were taken out of prison in despair, but, on their way to the slaughterpen, as they supposed, their eyes fell upon Japinta flying the flag of the United When they realized the truth a scene occurred which beggars description. The enthusiasm knew no bounds. They were speedily transferred to the deck of the Juniata, and gave vent to the most extravagant but touching demonstrations of joy, embracing each other, some crying, some kissing. and others andibly offering thanks to the Almighty for their deliverance from the horrors of their dungeon and the prospect of an ignominious death. On the night before the surrender the officers and erew of the Juniata were stationed at quarters, her guns being turned on the city. The Spanish volunteers having been excited to an open not by the rumor that the surrender was to take place, a large number of volunteers went in a body to the Governor's palace and begged permission to a tempt the capture of the Juniata, saying that they could do it with knives alone. The Governor refused to grant permission. Our officers believe that the application was made in earnest, and not a for regret that it was not favorably entertained, as the Juniata alone, not to speak of the Kansas and Pinta, would have been more than a match for the

On the arrival of the Pinta at Santiago, orders rame to the ship from Commander Braine for the paymaster to issue all the blankets and pea-jackets nished the necessary funds for her purchase. J. E. to be seen in their rags. This was speedily done but as there was still great destitution, orders came for every man on board to give their own blankets and wearing apparel in the good cause, promise being made that all would placed on the arrival of the ship at Key West. The officers and men cheerfully complied with this order, only preferring that it should be based as a request, in which case they would have played with just as much alacrity. Every heart was touched by the pitiable condition of the prisoners. The poor fellows report that they were barbarously treated; but when the Pinta left they had given few details beyond what have already found way into THE TERBUNE. They say that when the officers from the Tornado boarded the Virginius one of them, in hauling down the flag of the United States, tore it into ribbons, and trampled on it, as serting with an oath, "This is what I have wanted."

The situation in Santiago de Cuba is reported still very serious. A large majority of the population is to sympathy with the Cuban cause, but the Volunteers control everything with a high hand. It is believed that the surrender would not have been made at last but for the firm stand taken by Commander Braine and the prevailing impression that he would proceed to extreme measures if there was any kiffing or postponement. Only a week ago 25 citi tens of Santiago were arrested, and after a mock trial had been gone through with, without any evileace being adduced against them, they were told to go home. On the way they were cruelly waylaid and killed, only one escaping; he was riddled with bullets and dangerously wounded. Americans are continually in fear for their lives, and bitterly templain that nothing has been done to redress their wrongs. It is not safe for an American officer to go saltore alone at Santiago. All along the river line Spaniards are erecting new batteries.

The Pinta; left on Friday evening about sun set, arriving here to-night about 8 o'clock, making a remarkably swift passage. The surrender took place at Morro Castle, six miles below Santiago. A receipt was given for the prisoners. It was reported Santiago that when it was found that the Vir ginius had been towed out of the harbor of Havana a large number of naval officers of high grade tenlered their resignations to the Home Government by telegraph.

#### THE STATUS OF THE VIRGINIUS. FIRMS AT WASHINGTON ON THE ATTORNEY-GENERAL'S

OPINION.

WASHINGTON, Dec. 22.—The decision of the At borney-General that the Virginius was not legally registered as an American vessel has caused much discussion to-day among the lawyers and others as to her legal status, and that of her passengers and trew. The Attorney-General holds that the fact now admitted that the Virginius never was legally regstered does not affect her right to be protected from molestation on the high seas, that there are not a few as well read in the law as he is who differ with him. They say that nothing can be plainer than the proposition that a fraudulent register gives to those who obtain it, or their vessel no rights that she did not before possess. It is like a fraudulent naturalization paper which does not confer citizenship upon the person who holds it. Had the United State captured this vessel, these gentlemen say, and proved what is now admitted, she would have been forfeited to the United States under the 27th section of the act of 1792, which is as follows:

"If any certificate of registry or record skall be frauda

lently or knewingly used for any ship or vessel not then actually entitled to the benefit thereof, according to the true intent of this act, such ship or vessel shall be forfeited to the United States, with her tackle, apparel, and

The Supreme ! Court has decided that the provisions of this section apply as well to vessels which have not been registered as to those to which registers have been previously granted. The Virginius was not captured by the United States but by Spain. She was owned by Spanish, or Cuban, citizens, and had on board Spain's own citizens, bent on an er rand of hostility against their own Government. If the fraudulent character of her registry deprives the Virginius of the right to be protected by the United States flag after that fraudulent registry has been proved, the question arises, has not Spain a right to capture her own citizens on the high seas in a vessel of their own, bound on an errand of hostility against the Government to which they owe allegiance. And supposing that the United States was right in its diplomacy while the Virginius was prima facie an American ship, does not the decision of the Attorney-General make it our duty to place her just where she would now be had she been captured under a Cuban flag 7

These are the questions asked by those who have from the first contended that the State Department had taken ground which was untenable. On the other hand it is contended that, in obtaining a fraudulent registry, the Virginius violated a United States law and is amenable to the United States! that we cannot allow Spain to be the judge whether a register carried by a ship is fraudulent or not, but that she must respect it wherever found. All speak of our diplomacy in this case as stronger than in any case before managed by this Administration, and for it accord praise to the President and Secretary Fish. TEXT OF ATTORNEY-GENERAL WILLIAMS'S OPINION-

CUBANS PART OWNERS OF THE VESSEL-SPAIN NOT JUSTIFIED IN THE SEIZURE. [GENERAL PRESS DISPATCIL]

Washington, Dec. 22.- The following is the opinon of Attorney-General Williams in the Virginius

DEPARTMENT OF JUSTICE, ?

HAMILTON FISH, Secretary of State. I have the honor to acknowledge the receipt of your letter of the 11th inst., submitting to me a large umber of documents and depositions, and asking for my opinion as to whether or not the Virginius, at the time of her capture by the Spanish man-of-war Tornado, was entitled to carry the flag of the United States, and whether or not she was carrying it improperly and without right at that time. These questions arose under the protocol of the 29th alt., between the Spanish Minister and the Secretary of State, in which, among other things, it is agreed that on the 25th inst. Spain shall salute the flag of the United States. But it is fur ther provided that if Spain should prove, to the satisfac-tion of the United States that the Virginius was not entitled to carry the flag of the United States, and was earrying it at the time of the capture without right and improperly, the salute will be spontaneously dispensed with, as in such case not being necessarily remurable; but the Umted States will expect in such case act which was committed.

Section 1 of the act of Dec. 31, 1722, provides that ships or vessels registered pursuant to such act, and no other, except such as shall be duly qualified according to law or carrying on the coasting trade and denominated, or leemed, ships or vessels of the United States, shall be entitled to the benefits and privileges appertaining to

Section 4 of the same act provides for an oath by which, among other things, to obtain the registry of a vessel, the owner is required to swear that there is not a subject or citizen of any foreign prince or State, directly or indirectly, by any trust, confidence, or otherwise, interested in such ship or vessel, or in the profits or issues thereof. Obviously, therefore, no vessel in which a foreigner is directly or indirectly interested is entitled to a United States registry, and, if one is obtained by a faise oath as to that point, and the fact is that the vesse s owned or partly owned by foreigners, she cannot be deemed a vessel of the United States, or entitled to the benefits or privileges appertaining to such vessels.

The Virginius was registered in New-York on the 26th oath, as required by law, but the depositions submitted abundantly show that in fact Patterson was not the owner at that time, but that the vessel was the propo commanded said vessel when sh of Patterson, testified positively that he entered into an acreement to command said vessel at an interview be ween Quesada, Mora, Patterson, and others, at which was distinctly understood that the Virginius belonged to Quesada, Mora, and other Cubans, and that said Mora exhibited to him receipts for the purchase-money and for the repairs and supplies upon said steamer, and exlubans in New York.

Adolpho De Varona, who was the Secretary of the Cubau Mission in New-York at the time the Virginius was purchased, and afterward sailed in her as Quesada's Chief-of-Staff, testifies that he was acquainted with all the details of the transactions, and knows that the Virginius was purchased with the funds of the Cubans, and with the understanding and arrangement that Patter on should appear as the nominal owner, because for ressel. Francis Bowen, Charles Smith, Edward Green wood, John McCann, Matthew Murphy, Ambrose Raw ings, Thomas Gallagher, John Forlong, Thomas Ander son, and G. W. Miller, who were employed upon the Vir ginius in various capacities after she was registered in the name of Patterson, testify clearly to the effect that upon the vessel, that she belonged to Quesada and the hibans represented by him, and that he navigated, conrolled, and treated such vessel in all respects as though t was his property. Nothing appears to weaken the force of this testimony, though the witnesses were gen erally subjected to cross-examination, but, on the con-trary, all the circumstances of the case tend to its cor-

With the oath for registry the statute requires a bond signed by the owner, captain, and one or more sureties; at there were no sureties upon the bond given by Patain if there were any insurance upon the vessel, but nothing of the kind has been found; and Quesada, Varona, and the other Cubans who took passage upon the Virginius, instead of going on board at the wharf in the isual way, went aboard off a tug after the vessel had

I cannot do otherwise than to hold upon this evidence hat Patterson's oath was false, and that the register obtained in his name was a fraud upon the navigation laws of the United States. Assuming the question to be what appears to conform to the intent of the protocol whether or not the Virginius at the time of her captur had a right, as against the United States, to carry th American flag, I am of the opinion that she had no such right, because she had not been registered according to

But I am also of the opinion that she was as much exempt from interference on the high seas by another power on that ground as though she had been iswfully registered. Spain, no doubt, has a right to capture a American flag, if found in her own waters assisting, or endeavoring to assist, the insurrection in Cuba; but sh has no right to capture such a vessel on the high seas upon an apprehension that in violation of the Neutrality Navigation laws of the United States she was on her way to assist the said rebellion. Spain may defend her erritory and people from the hostile attack of what is o appears to be an American vessel, but she has no juris liction whatever over the question as to whether or not diction whatever over the question as to whether or not such vessel is on the high seas in violation of any law of the United States. Spain cannot rightfully raise that question as to the Urginius, but the United States may, and as I understand the protocol they have agreed to do it; and governed by that agreement, and without admitting that Spain would otherwise have any interest in the question. I decide that the Virginius, at the time of her capture, was without right and improperly carrying the American flag. Very respectfully.

GEORGE H. WILLIAMS, Attorney-General.

HOW THE DECISION IS INTERPRETED AT HAVANA HAVANA, Dec. 22.-The Diario, announcing that the Government at Washington has recognized that the Virginius was not entitled to carry the American ther raye: "After this acknowledgment not the

slightest doubt ought to remain that the Virginius was a legal prize, and that her crew were pirates whom the Spanish Courts justly treated as such and that the demands of the United States were unjust and unfounded. We now expect that the United States will give the reparation due to Spain. and hope also that Spain will present other claims

against the United States."

NAVAL INTELLIGENCE.

ORDERS TO SUSPEND EXTRA WORK AT NAVY-YARDS, [BY TELEGRAPH TO THE TRIBUNE.] Washington, Dec. 22.-Orders have been sent to all the navy-yards in the country to suspend at

THE POWILATAN TO LEAVE FOR NORFOLE. [BY TELEGRAPH TO THE TRIBUNE.]

Washington, Dec. 22.-The following has been received from a special correspondent: West, Fla., Dec. 22.—The Powhatan will leave rfelk to-night. The Wyoming was inspected by al Scott to-day, and is under sailing orders. The ower arrived this morning.

THE FRANKLIN ON HER WAY TO KEY WEST. Boston, Dec. 22.—The United States steamer Franklin steamed down the bay to-day to the Compass Station, where she will wait over one tide to adjust her compasses, and then sail for Key West.

THE REVENUE CUTTER STEVENS ORDERED TO NEW-BERN-NAVAL ASSIGNMENTS.

[GENERAL PRESS DISPATCH.] Washington, Dec. 22.-The revenue cutter Stephens, recently repaired at Baltimore, has been or-dered to duty at Newbern, N. C. The following changes dered to duty at Newbern, N. C. The following changes in revenue marine and naval officers have been made:

Capt. A. A. Fengar, detached from the revenue cutter Hamilton, at Philadelphia, and placed on waiting orders; Capt. Frank Barr, detached from the Woodbury, at Boston, and ordered to the command of the Hamilton; Capt. David Evans, ordered to the command of the Woodbury; First Lieut. L. Sturges, detached from the Mocassin, at Newport, R. I., and ordered to the command of the Mauhattan, at New-York: First Lieut. L. James Irish, detached from the Manhattan and ordered to the command of the Mocassin; Chief Engineer F. A. D. Breuman, detached from the Monastan and ordered to the command of the Woodbury, at Roston; Chief Engineer Charles G. Dale, detached from the Woodbury and ordered to the Johnson; First Assistant Engineer C. H. Ball, from the Washington and ordered to the Manhattan; Pirst Assistant Engineer C. H. Ball, from the Washington and ordered to the Manhattan; Pirst Assistant Engineer J. W. Collins, from the Manhattan and ordered to the Washington.

Commander R. R. Wallace is ordered to the Finladelphia Navy-Yard; Capt. Thomas G. Corbin is detached from duty as Lighthouse Inspector of the Fourth District on the lat of January, and placed on waiting orders; Commander George B. White, from the Philadelphia Navy-Yard, and ordered to duty as Inspector of the Fourth Lighthouse District; Master Thomas S. Phelps, from the Kearsarge, and granted three months sick leave; Surgeon George H. Cooke, from the Marine Rendezvous at Rew York, and placed on waiting orders. Assistant Surgeon C. L. Cassin, from the Marine Rendezvous, Boston; Acting Assistant Surgeon Thomas Owen, from the Marine Rendezvous, Eoston; Acting Assistant Surgeon thomas Owen, from the Marine Rendezvous at Endience and placed on waiting orders. in revenue marine and naval officers have been made:

## GENERAL FOREIGN NEWS.

THE FRENCH ASSEMBLY.

POSTAL ARRANGEMENTS BETWEEN FRANCE AND THE UNITED STATES.

PARIS, Monday, Dec. 22, 1873. In the Assembly, to-day, several members alluded to the imperfect postal arrangements between France and the United States, and urged the Government to hasten the signing of the pending convention. They complained of the present situation, declaring it to be injurious to French commerce, and intolerable to the people at large.

The Financial Secretary replied that it was the Government's earnest desire to harmonize the interests of the two countries, and a speedy understanding was ex-

THE CIVIL WAR IN SPAIN. EFFECT OF THE EXPLOSION AT CARTAGENA MADRID, Monday, Dec. 22, 1873 Eighteen lives were lost by the late exploion of a magazine at Cartagena.

THE ATCHEENESE WAR. SURMISSION OF THE SULTAN TO THE DUTCH COM-

MANDER. THE HAGUE, Monday, Dec. 22, 1873. A dispatch from Penang dated Dec. 20 announces that the Dutch troops have occupied both banks of the river running through Atcheen. The Sultan, seeing defeat inevitable, has given in his submission to

# PAPAL CONSISTORY.

TWELVE NEW CARDINALS APPOINTED. ROME, Monday, Dec. 22, 1875. discution and appointed 12 cardinals.

THE TROUBLES AT MATAMOROS. THE CITY IN THE HANDS OF THE PEDERAL TROOPS. MATAMOROS, Dec. 22.-Throughout the city to-day the stores and public buildings were generally closed and business suspended, owing to the unsettled

state of feeling growing out of the fighting which

ccurred yesterday.

The Government troops patrolled the streets and ecupied the plaza last night and to-day, and maintained strict order and security. It is believed Cortina will endeavor to be installed as Mayor by the 1st of January, at which time the term of the present city officials expires, and should the effort now being made to compromise the matter not succeed, serious fighting is likely to follow.

#### SANTO DOMINGO. GEN. GONZALES ELECTED PRESIDENT-FEARS THAT

THE SAMANA LEASE WILL BE ANNULLED. HAVANA, Dec. 22.-News has been received rom Santo Domingo by way of Santiago de Cuba, that len. Ignacio Gonzales has been elected President of the Republic. This result completely changes the political aspect of the country. It throws the doors open for the ceturn of the enemies of Baez, and will put an end to the present revolution. There are fears that the new Adoinistration will endeavor to annul the Samana lease.

# CUBAN FINANCES

HAVANA, Dec. 22 .- In the Junta to-day, a statement of the debt of the island was presented. plan to arrange the financial affairs and the financial question was also pre-The Intendents will submit another plan. The debt of the island is \$87.000,000. notes of the Spanish Bank in circulation amount to \$104,000,000. The Government authorizes Railroad Companies to charge rates of freight and passage in gold, or its equivalent in paper. This shows that the Govern-ment is averse to proclaiming a forced paper circulation.

#### FOREIGN NOTES. The report of the death of the Ashantee

King proves false. The Government candidate has been elected Speaker of the Mexico National Congress.

The Bishop of Queretaro advises the people submit to the present Government as a matter of ex-The Chambers of Commerce of Dublin have

resolved to build a central railroad depot at an expense of \$3,750,000. David Nesbitt, who was tried and convicted at Lindsay, Canada, for shooting Miss Hopwood in July last, was executed yesterday.

instigators of the riots at Tejup.leo, Mexico, have been brought prisoners to the City of Mexico. The Legislature of the Colony of Bermuda convened on the 12th of December. The Governor's speech alluded to legislation for awarding the contract for steam connection to New-York so as to insure better and more regular service.

The priests Arias and Gilles, the alleged

In view of the frequency with which Governors of Mexican States are compelled to leave their seats of government, the Legislature of Vera Cruz has anthorized the Governor of that State to transfer his residence to any place he deems convenient, requiring his presence in the capital only on the opening of the

The news from Hayti is unsatisfactory. President Nissage Saget will not abandon the presidency except to establish Gen. Domingue therein, and as ther is a party in the House of Representatives determined not to have Domingue at all, trouble is imminent. Domingue is ready for any emergency that may arise. He was heard to say: "Ah! they do not want me for President, but they shall have me." Nissage Sagot keeps the peace with a firm hand, and talks but little.

## THE RING ROUT.

FIVE INDICTED RING MEN FUGITIVES. GENET ESCAPES FROM THE SHERIFF'S CUSTODY.

STREET, SHIRL AND ASSET WHEN AND ASSET

HIS FRIENDS SUPPOSED TO HAVE ADDED HIM-THE AFFAIR TO BE INVESTIGATED-COMAN, NORTON, WALSH, AND MILLER FAIL TO ANSWER IN COURT -THEIR ABSENCES VARIOUSLY ACCOUNTED FOR -MAYOR HALL'S THIRD TRIAL BEGUN, AND A JURY OBTAINED WITHOUT DELAY. The escape of Henry W. Genet from the custody of

the Sheriff, the flight of ex-Alderman Thomas Coman, ex-Senator Michael Norton, George S Miller, and John J. Walsh, and the arraignment for trial of ex-Mayor A. Oakey Hall on the "emnibus" indictment for misdemeaner on which Tweed was convicted, agitated the city all day yesterday. The case of Genet was called in the Court of Oyer and Terminer at the usual hour of opening. The counsel for the prisoner was present, but the latter failed to appear. The rumor had already circulated through the court-room, and indeed throughout the city, that Genet had escaped. District-Attorney Phelps moved that sentence be passed on the prisoner. Sheriff Brennan announced that he could not produce him. The District-Attorney said that he had written to the Sheriff early on Saturday, warning him that there was danger that Genet would escape. He moved for an order to the Sheriff to show cause why he should not be punished for contempt in disregarding the order and commitment of the Court at the time Genet was convicted. Judge Daniels decided that the Sheriff must make answer, but postponed the case until the result of the efforts at recapture are known.

Michael Norton, Thomas Coman, and John J. Walsh, late Commissioners of the County Courthouse, charged with conspiracy to defraud the city and bribery, and John D. Weish, jr., and George S Miller, charged with conspiracy to defraud the city, were called to plead to the indictments against them. All failed to answer except by their attorneys, and their recognizances were declared ferfeited, except in one case of a misdemeanor indictment against Coman. His counsel was granted an extension in this case until Friday.

The case of ex-Mayor Hall, charged with misdemeanor in auditing certain fraudulent bills, was called up in the Court of Oyer and Terminer. The greater part of the day was consumed in procuring a jury. The trial will begin this morning.

District-Attorney Phelps has prepared the neces sary papers in the complaint against Sheriff Brennan and Deputy-Sheriff Shields, for allowing Genet to escape, and the investigation will be held to-day.

### ESCAPE OF GENET.

HIS KEEPER SLEEPS ON HIS POST, AND THE CONVICT ESCAPES BY A WINDOW-PURSUERS ON HIS TRACK.

The announcement of the escape of Henry W. enet, who was convicted on Friday of false pretense, and the was to have been sentenced yesterday, brought one of the largest and most excited crowds into the Court of seen there. At the hour of opening the Court, not only was every seat filled, and many inside the bar held two but eager faces appeared in every part of the room, and men pushed and elbowed each ther, seeking by every means to gain a place inside the already crowded bar. Prominent among the many wellknown faces of lawyers present were the counsel of the escaped prisoner, Genet, Messrs. Beach and Waterbury. Opposite them sat Mr. Feekham, the District-Attorney, cattered about the room, stood Mr. Stonghton, T. C. T. Euckley, Assistant U. S. District-Attorney Purdy, Lyman Tremain, Mr. Vanderpoel, Eibridge T. Gerry, and near Judge Daniels Mayor Hall stood, a quiet observer of the excited group, waiting for his own case to be

called pursuant to us As seen as Judge Daniels had taken his seat, District-Attorney Phelps stated as follows: I have been informed ince I came into Court by the Sheriff that he cannot account for Mr. Genet, and some inquiry will have to be taken as to his whereabouts by the Sheriff,

Judge Daniels-He was allowed to remain in his resi dence in custody of two officers; they allowed them selves to be overcome by sleep, and while they slept he escaped. It was a great degree of neglect and miscon duct on the part of the officers to keep this man in his residence. I understand the officers have set on foot measures for his recapture, and until we ascertain taken on the matter.

Mr. Pheips-I think it right to say that information reached me on Saturday of such a character that I informed the Sheriff that I was advised of the probability that the prisoner would escape or be rescued, and warned him to take such precaution as would be necessary. I am very much at a loss to know why some steps were not taken in accordance with the notification. Judge Daniels-All that the most liberal general

required was that the officers should go to his house with him to allow him to arrange his affairs. It was gross neglect, gross misconduct, to allow him to rem there in the idea of securing him, in safe custody, while the law requires that a person in such custody shall be kept in close confinement.

Mr. Beach-Though we consider his conduct erroneous and impolitie, we think it our duty to proceed to perfect his bill of exceptions. I intended to apply for a stay until the bill of exceptions was argued before the Gen eral Te-m; and I think it my duty to make that applies tion still, and to conclude our services to the gentleman as far as to put the bill and his rights on the way of ad-

Mr. Phelps-I think it my duty to apply for an orde on the Sheriff to show cause why the prisoner escaped. Judge Daniels-We will do that, but wait until we see whether the efforts to recapture him are successful. Mr. Phelps-I shall deem it my duty to make the most

thorough inquiry.

This closed the proceedings for the present, as far as Genet is concerned, and the clerk was directed to call the other Ring cases, but later in the day, while the trial Mayor Hall was under way, Mr. Phelps interrupted the proceedings to request that the escaped prisoner, Genet, be called on the other indictment (for grand larceny) and the recognizances of his sureties declared for-

INVESTIGATION INTO THE SHERIFF'S CONDUCT.

Mr. Phelps then submitted an affidavit by himse stating that Henry W. Genet had never been received or lelivered to the Tombs prison pursuant to commitment; "that on the 20th inst., information having been received at the office of deponent that Henry W. Genet would attempt to make his escape from the custody of the Sheriff, deponent caused a letter to be delivered to the said Sheriff, and deponent is further informed that the said Sheriff, after having received said letter of deponent, communicated the contents of the same to the said Genet, and that said Genet on the afternoon of the same day had the same letter in his own possession, as appears by the correspondence of deponent with George Bliss, United States District Attorney for the Southern District of New-York; wherefore deponent prays the order of the Court that said Matthew T. Brennan, the said Sheriff, and the said William H. Shields, his deputy, show cause before this Court, on Dec. 23, at 10½ a. m., why they should not be punished for contempt in disregarding the commitment of this Court." that on the 20th inst., information having been received

CORRESPONDENCE WITH THE SHERIFF. The following letters bearing upon the case were fur nished by the District-Attorney:

nished by the District-Attorney:

[Consistatial]
DEC, 20, 1873—1:30 p. m.
Hon. M. T. Brennan, Sheriff N. I. County.
Sir: I have just received information, confidentially, from a source which I am inclined to believe entirely reliable, that an attempt will be made by the friends of Henry W. Genet, now in your custody under conviction of false pretenses, &c., to rescue him forcibly from the nands of your deputies and convey him without the States. The plan was to have been carried into effect last night, but it was thought best to await the result of an application for a stay of judgment. No suspicion attaches to your office. Very respectfully,
G. W. LYON, Asst. District-Attorney.
NEW-YOKK, Dec. 22, 1873.

Hon. B. K. PHELPS, District Attorney. NEW-YORK, Dec. 22, 1933.

Hon. B. K. Phelles, District-Altorney,
Sia: In reply to your letter of this date I have to say that Henry W. Genet called at my office in the U. S. Court building on business about 2 o'clock on Saturday. After the business had been closed he exhibited to me a letter signed by Mr. Lyon, one of your assistants, dated on that day, and addressed to Hon. M. T. Brennan, Sheriff, in which Mr. Lyon informed the Sheriff that he had reason to believe Mr. Genet would escape or be rescued. A press copy had apparently been taken of the letter, so that you can doubtless verify my statement of its purport. Mr. Genet was at the time in charge of a deputy sheriff, and exhibited the letter as showing, he said, what absurd stories got about. As a good citizen I cannet re-

fuse thus to give you the information you seek.
Your obedient servant, GEORGE BLISS.

Judge Daniels, at the conclusion of the reading, issued the following order:

It is ordered that the said Matthew T. Brennan, Sheriff of the City and County of New-York, and the said Wilham H. Shields, Deputy Sheriff, show cause before this Court, on Dec. 25, 1873, at 163 a. m. of that day, why they and each of them should not be punished for contempt of Court for willful disouednence of an order of this Court lawfully made.

CHARLES DANIELS.

Justice Supreme Court.

After the order of the Court had been altered, service of the order was made upon the Sheriff. About 6 o'clock messenger left the District-Attorney's office to make a service of the papers upon Shields, who is included in the order to show cause. It is probable that service cannot be made, as the Sheriff has sent Shields out of town. A rumor was current that Shields had been arrested, bu District-Attorney and Mr. Clarke, Chief Clerk of the District-Attorney's office, denied fall knowledge of such

proceeding. THE SHERIFF'S STATEMENT.

Sheriff Brennan appeared to be much agreated yesterday forenoon when a reporter of THE TRIBUNE called upon him at his office to learn such facts about Genet's escape as the Sheriff wished to communicate. The Sheriff readily assented to give the reporter all the in-

formation in his possession. Shields," the Sheriff began, "reported to me about 8 o'clock this morning that Genet had escaped between 24 and 6 o'clock. Immediately I sent word to Police Headquarters and telegraphed to the police districts in Kings, Queens, and Westchester County. Shields was very much excited; he actually trembled with agitation. He told me that about 21 o'clock Genet asked per mission to visit his wife, who was in the adjoining room. Shields, believing that the request was made in good faith, and influenced by feelings of delicacy, did not accompany Genet. Of ourse Shields was satisfied that there was no other door to the bedroom than that by which Genet entered. shields had no idea that he would make an attempt to escape; I have the fullest confidence in Shields.

I am going to offer a reward of \$5,000 for Genet's capure; for that matter I would give \$19,000. "Genet had visitors Sunday night, had he not i"

"Yes;" continued the Sheriff, "a crowd of his friends were with him up to a late hour this morning, taking leave of him."

"Will you name some of those who were present I" "Not at present; many of them are known to me; hey will be subpensed, and must appear on the investigation which I have already demanded."

But as to the discovery that he had escaped-I" "Well, Shields says that he dozed and slept until near o'clock; when he awoke he knocked at the bedroom loor; there was no response; he entered and found that Genet had gone; Genet's wife expressed entire igno rance as to the escape; the escape must have been made through the window which looks out into the yard at the rear of the house; Shields at once made a search, and went to the stables; Genet's horses and carriage were there; he then repaired to the Twelfth Precinct

Station-house, and gave the alarm. "Have you any reason to suspect Shields of complicity

in this matter I" "There is no honester man than Shields," replied Mr. Brennan; "in the Tweed case he could, if he were corrupt, have made all the money he wanted, but no one could reach him. Shields knew that Genet was no friend of mine; politically we have always been opposed. If I had been in court when the commitment was made out I would have refused to take charge of Genet."
"When did you last see Genet!"

"I saw him on Saturday, and I told him then that there was a rumor current that he would make an attempt to escape if be got a chance. Genet seemed indignant; he scouted the idea that he would play such a trick upon the Sheriff."

"How do you think he got away !" "His house is situated near the Harlem River, at One hundred-and-twenty-fifth-st. and Second-ave., and a boat must have been in readiness to carry him off. His escape must be the result of a concocted plan by his friends. A pretty searching investigation will be made and I have no doubt we shall discover the ones who

aided him to flee. That is all I know so far. Shields

was dreadfully agitated, and made the statement to me

in a faltering, manner. I feel this thing very much, Genet is the first prisoner I have ever lost. Later in the day the Sheriff stated to the reporter, in reply to an inquiry as to where Mr. Shields could be seen, that by his (the Sheriff's) orders Shields and eight

other deputies had left town in quest of the fugitive. " Do you hope to catch him, Mr. Sheriff ?" "I am in possession of some information which, if true, will land him in the Tombs to-night or to-morrow. Among the attaches of the Sheriff's office and the Deputy Sheriffs a good deal of sympathy was evidenced for Shields. They one and all scouled the idea that he was a party to the escape, and regarded the occurrence high affected the whole force of the office.

The sureties of Henry W. Genet on the false pretense bend were Charles Devlin of No. 311 East Fifty-seventhand Thomas H. Ferris of (No. 227 East One-hundred-and-twenty-fifth-st., for \$5,000 each. this case the responsibility ended when prisoner was convicted and given into the ustody of the Sheriff. Police Commissioner Oliver Charlick of No. 254 West Thirty-fourth-st., is surety for Genet in the sum of \$10,000 in the indictmen in the forgery case. Tais was declared forfeited. Charles Devlin its the surety for Genet in the sum of \$5,000 in the grand larceny indictment. This was declared forfeited.

THE NEWS AT POLICE HEADQUARTERS. While the occupants and visitors at Police Headquarters were conversing excitedly, yesterday forenoon, in relation to several alarming events which had been de veloped during the morning, they were further agitated who rushed into Superintendent Matsell's private office, and, with tears rolling down his cheeks, announced in a and, with tears rolling down his cheeks, announced in a choking voice, that Harry Genet had escaped from his custody several hours previous. He begged that the police throughout the city might be informed of the event, and the Superintendent immediately penned a dispatch which was sent as a general alarm to the various precincts. All of the Central Office detectives were also ordered by Capt. Irving to be on the aiert. Deputy Sheriff Shields related to the Superintendent the story of the escape and the facts of the scarch made subsequently. Shields said that after searching the house and grounds he went to the Twelfth Precinct Stationhouse, but no general alarm was sent out at that time. The Sheriff was next informed, and then he came to Police Headquarters.

Police Headquarters. NO ARREST AT MIDNIGHT. Up to midnight the Deputy Sheriffs who started out yesterday afternoon, under the direction of Deputy Shields, to search for Genet had not reported his capture. The houses of many of his friends in the Twelfth Ward, where there was the slightest suspicion he might waru, which were visited and thoroughly overhauled, but to no purpose. From later information it appears that Michael Cahill, Shielde's assistant, was also on watch with Shields at Genet's house on Sunday evening. The

two men were completely worn out from constant watching, Shields it is said not having been injuded for the two nights previous. About, 3; o'clock Deputy Shields, who returned to town to communicate with the sheriff, was served with the papers in the order to show cause. Shields immediately thereafter started off again on a secret mission.

Speculations as to the manner in which Genet made his escape were rife last evening. Many were inclined to believe that a swift tug was provided and on this Genet rapidly made his way up the Sound to some point in Connecticut, whence he could easily reach an Eastern scaport, or else take a train to Canada. It is not believed that he is in the city for the reason that he is so well known that detection and arrest would be almost certain. Subpenas were served, last evening, on a number of persons who called on tienet at his residence in Harlem on Sunday night, and some of whom remained until a short time before he disappeared, requiring them to appear and testify concerning their own movements and those of Genet up to the time he was lost sight or by the Deputy Sheriffs. It is known that Genet visited several places on Sunday, guarded by the Deputy Sheriffs, he making the excuse that he wished to transact business. Many called during the evening at Genet's residence, and it was doubtless at this time that the escape was planned. It is thought that he must have received the aid of several persons. None of the horses owned by Genet are missing from his stable.

#### FOUR OTHER RING FUGITIVES. IICHAEL NORTON, THOMAS COMAN, JOHN J. WALSH,

AND GEORGE S. MILLER, REPORTED TO HAVE LEFT THE CITY-THEIR BONDS DECLARED FOR-

After the first proceedings in the case of Harry Genet had been concluded yesterday morning in the Court of Oyer and Terminer, the other Ring cases were taken up. The Clerk, in compilance with a direc-tion from the Court, called, "Michael Norton," "Thomas Coman!" "John Walsh!" and "George S. Miller!" and subsequently " A. J. Smith!" who was the only one that appeared to Court. All were, however, represented by counsel, and they stopped forward at once. Mr. Howe

## WASHINGTON:

OFFICIAL EXTRAVAGANCE.

SERIOUS ACCUSATION AGAINST ATTORNEY-GENERAL WILLIAMS-THE GO ENMENT MADE TO PAY \$1,600 FOR A CARRIAGE FOR MRS. WILLIAMS-OTHER ABUSES IN THE SEVERAL DEPARTMENTS-DOMESTIC SERVANTS ON THE PAY-ROLLS-STYLISH TEAMS KEPT BY OFFICIALS AT GOVERN-MENT EXPENSE-AN INVESTIGATION NEEDED-OPINION THAT VERY LARGE REDUCTIONS CAN BE MADE IN THE EXPENDITURES OF EVERY DEPART-

MENT. [BY TELEGRAPH TO THE TRIBUNE.]

Washington, Dec. 22.—One of the accusations against Attorney-General Williams, in the investigation row making by the Scnate Judiciary Committee, is that the Government has been made to pay for the carriage used by Mrs. Williams. Inquiry was made by the Committee, or one some of its members, at the Treasury Department, and the following voucher discovered:

WASHINGTON, D. C., Jan. 19, 1872. The United States to A. J. Jovce, Dr.

To one landaulet for Department of Justice ... \$1,000 A. J. JOYCE,

Received payment, This carriage, it is said, was ordered by Mrs. Williams for her own use, in accordance with a custom that has obtained among a majority of the Cabinet officers, and as there was no authority of law for such an expenditure, the fact is used now as an argument against the confirmation of Mr. Williams to be Chief-Justice.

No one would object to having each Department supplied with a sufficient number of horses and carriages to facilitate the Secretaries in discharging the duties of their offices, but, in addition to this, it has become customary for several of the Cabinet Ministers, and a great number of officials of lower rank, to keep stylish carriages for the use of their families, and to detail messengers, whose names are upon the pay-rolls of the Departments, to perform the duties of coachmen and domestic servants at the homes of such officials. So great has this abuse become, that it is said that the heads of several bureaus, and other officers in the Treasury Department, whose duties during office hours seldom take them out of the Treasury building, have expensive double teams, paid for and kept at Government expeuse, and which are used almost exclusively for the convenience of the officials and their families.

What is true of the Treasury Department is true also of several of the other Executive Departments. There are appointed in the House of Representatives in each Congress committees on expenditures in each of the Departments. The original purpose in creating these committees was to have, every session, a careful examination of the way in which the large sum annually appropriated as a contingent fund in each Department was spent, and to report where retrenchment was possible. Practically, these committees have never done any work. At the present time, when economy is so necessary on every hand, they should at once begin the work of investigation. Whenever the minute workings of the several Departments have been heretofore inquired into, extravagances have been discovered that have startled the country.

It is already officially given out that the expenses of the Departments in Washington cannot be cut down. Let one of these committees go into the Treasury Department and inquire whether the appropriation of \$40,000, made last year for temporary clerks, cannot be omitted this year, and whether \$50,000 is not too much to pay out for stationery, not including printed blanks, etc. Besides these, there is asked for, \$65,000 for contingencies, such as newspapers, repair of wagons, cure of horses, brooms, brushes, matches, soaps. etc.; \$50,000 for coal, wood, gas. tumblers, hatchets, pitchers, towels, etc.; and \$40,000 for furniture and carpets. Then let them go into the several Bureaus and see how much the elerical force has been increased during the present Administration, and how much less work there is to do in most of them than just after the close of the war. It is the opinion of competent judges that very large reductions can be made in the expenditures of every department in this city. .

# BANKRUPTCY QUESTIONS.

ORRESPONDENCE BETWEEN SENATORS BITCHCOCK AND EDMUNDS-BELIEF THAT THE REPEAL OF THE BANKEUPT LAW WILL BE MADE RETROACTIVE. [GENERAL PRESS DISPATCH.]

Washington, Dec. 22.-Senator Hitchcock has addressed the following letter to Senator Edinauds, chairman of the Committee on the Judiciary: UNITED STATES SENATE CHAMBER, ?

UNITED STATES SINATE CHAMBER, I
WASHISOTON, Dec. 20, 1873. 5
DEAR SIE: Regretting the failure of the Senate to
act prior to the holiday recess upon the bill repealing
the Bankrupt law, so far at least as to "wipe out" the
present oppressive feature of involuntary bankrupter,
and fearing that such tailure will agravate financial
suffering, and add others to the already long list of victims. I desire to obtain your opinion of the feasibility of
so amending the Bankrupt law as to make the repeat of
the concessive feature retroetive; and also your opinion as to the probability of the Senate Jodiemy Con-such amendments. Your reputation as a lawyer, and your position as chairman of the Senate Jodiemy Con-mittee, willgive weight to your opinion and such opinion, if affirmatively given upon each of the propositions above named, will, I think, go far to relieve public anxiety, and prevent uscless and oppressive literation. Faithfully yours, P. W. Hironcock.

anxiety, and prevent useless and oppressive literation. Faithfully yours.

The Hon. Geo. F. Edmunds, Chairman Senate Committee on the Judiciary.

Senator Edmundsreplied as follows:

UNITED STATES SEARCE CHAMBER, ?

WASHINGTON, Dec. 22, 1873.

DEAR SIR: I have received your note of the 20th inst., and say in reply, I do not profess to speak for any person but myself of course, but so speaking I have no heatation in saying that any provisions that may be mado respecting the forcing of debtors into involuntary bank-ruptcy, and the proceeding thereupon will, so far as my voice goes, be made retroactive, in such a way that no person will gain anything by any oppressive steps toward debtors pending the consideration of the question. As all such matters relate to remedies which Congress may take away altogether, if it pleases, there will be no impropriety in making any wise provision, which regulates after proceedings to just ends, apply to pending cases, and I feel great confidence that such will be the opinion of the Senate. Very truly yours,

GEO. F. EDMENES.

The Hon. P. W. Hitchcock, U. S. Senate.

An important bankeuptcy Decision.

AN IMPORTANT BANKRUPTCY DECISION.

[GENERAL PRESS DISPATCH.] WASHINGTON, Dec. 22.-The Supreme Court a-day rendered the following important decision in the Bros., against the City Bank of St. Paul, upon a ceruficate of division from the Circuit Court of Minnesota;

In this case Vanderhoff Bros., owning the bank, suffered their entire stock of goods to be seized on execution on a judgment by default obtained against them by the bank, and thus, as alieged, they frandmently preferred the bank over their other creditors, against the provisions of the Bankrupt act, and the assignee sought to have the proceeds of the sale on execution applied in the claims of all the creditors. On these facts the following questions arose, on which the Court divided, and they were certified to this Court for answer:

First: Whether or not an intent on the part of the firm to suffer their property to be taken on execution, with intent to give a preference to the bank, or with intent to defeat or delay the operation of the Bankrups act, can be inferred from the facts stated.

Second: Whether, under the facts, the bank in their proceedings had reasonable cause to believe that a

second: Whether, under the facts stated.

Second: Whether, under the facts, the bank in their proceedings had reasonable cause to believe that a trand on the Bankrupt act was intended by the firm.

Third: Whether, under the circumstances, the bank obtains by the levy and execution a valid hen on the goods as against the assignee in bankruptey.

In their opinion the Court say that something more than the passive non-resistance of the insolvent debter to regular judicial proceedings, in which a judgment and execution are had when the debt is due, and he is without just defense to the action, is necessary to show a preferment of a creditor, or a purpose to defeat or delay the operations of the Bankrupt act; that the fact that the debtor under such circumstances does not file a petition in bankruptcy is not sufficient evidence of such preference or desire to defeat the operation of the act that though the judgment creditor in such a case may know the insolvent condition of the debtor, his levy and seizure are not void under the circumstances, nor any wight the of the Parkramic hear that a lies thus abstance. violation of the Bankrupt law; that a lief thus obtained by him will not be displaced by subsequent proceedings in bankruptcy against a debtor, though within four months of the filing of the bill. These propositions re-quire the questions certified to be answered—the first two in the negative and the third in the affirmative. This decision overrules or largely qualities what was said by Justice Chiford in delivering the opinion of the Court in the case of Buchanan against Smith at the last term.

WASHINGTON, Monday, Dec. 22, 1873. The designations of steamships to carry the European mails will be made about the 15th of each month, for the ensuing six weeks, not so; months, as was incorrectly published to-day.

See Faurth Page.